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Acts of the Governor General of India in Council, 1853

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ACT No. I. OF 1853.

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Passed by the Governor General of India in Council, on the 4th February, 1853.

An Act for providing in the Presidencies of Fort St. George and Bombay for the punishment of Males of tender age for Petty Thefts.

WHEREAS it is expedient, until adequate improvements in Prison Discipline can be effected at the Presidencies of Fort St. George and Bombay, to substitute corporal punishment for imprisonment, in case of offences committed by males of tender age, who should be punished rather in the way of school discipline than of ordinary criminal justice, It is enacted as follows:

I. Every Magistrate, Joint Magistrate or First Assistant Magistrate in either of the Presidencies of Fort St. George or Bombay; and every Deputy or Assistant Magistrate in either of the said Presidencies, to whom the Governor in Council of the Presidency in which he is such Deputy or Assistant Magistrate may grant authority, shall, on conviction of theft of property not exceeding in value rupees fifty, if the person convicted be a male, and shall appear to him, by inspection or other evidence, to be of such tender years as to require punishment rather in the way of school discipline than of ordinary criminal justice, sentence such person to corporal punishment with a light ratan, not exceeding ten stripes, to be inflicted on the bare palm of the hand, or through a light garment on the back.

II. In cases of sentences to corporal punishment as aforesaid, no other punishment shall be superadded, and the punishment shall be inflicted on all occasions in the presence of the officer who awards it.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

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ACT No. II. OF 1853.

Passed by the Governor General of India in Council, on the 4th February, 1853.

An Act to remove doubts as to the liability of all subjects of Her Majesty to the same jurisdictions as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.

WHEREAS by virtue of Act No. IV. of 1837, it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the Territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty acquiring or holding property in land, or in any emoluments issuing out of land, or acting as local Agents or Managers of such property, are subject to the same jurisdictions as Natives for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local Agents or Managers thereof, should be liable to the public burthens and duties incident thereto, and in case of neglect or refusal to discharge the same, should be subject

to

to the same jurisdictions as Natives; It is therefore declared and enacted as follows:

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said Territories, whether in perpetuity or for a term, or being a local Agent or Manager of any such property, is, by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a local Agent or Manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions as if he were a Native of the said Territories.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. III. OF 1853.

Passed by the Governor General of India in Council, on the 11th March, 1853.

An Act relating to the Railway belonging to the Great Indian Peninsula Railway Company in the Presidency of Bombay.

WHEREAS it is expedient before the opening of any part of the Railway belonging to the Great Indian Peninsula Railway Company, in the Presidency of Bombay, to provide rules for regulating the said Railway, for preventing frauds upon the said Company, and for the punishment of certain offences which may endanger the safety of persons travelling upon the said Railway; It is enacted as follows:

I. No passenger shall enter any Carriage used on the aforesaid Railway without having first paid his fare and obtained a ticket. Each passenger, on payment of his fare, shall be furnished with a ticket, specifying the class of Carriage and the distance for which the fare has been paid; each passenger shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any passenger, not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he

he has travelled a less distance only, and has paid his fare for such less distance.

II. At the intermediate stations the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there shall be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall be furnished, those who shall have obtained tickets for the longest distance shall have the preference, and those who shall have obtained tickets for the same distance shall have the preference, according to the order in which they shall have received their tickets.

III. Any person who shall attempt to defraud the Company by travelling, or attempting to travel, upon the Railway without having previously paid his fare, or by riding in or upon a Carriage of a higher class than that for which he shall have paid his fare, or by continuing his journey in or upon any of the Carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof, or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such Carriage, or who shall, in any other manner whatever, attempt to evade the payment of his fare, is hereby subjected to a penalty not exceeding Twenty Rupees.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any Carriage while such Carriage is in motion, or who shall ride or attempt to ride on the steps or any other part of a Carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a penalty not exceeding Twenty Rupees.

V. Any

V. Any person other than the engine-man and fire-man, who shall ride or attempt to ride upon any locomotive engine or tender, and any person other than the guard or breaksman, who shall ride or attempt to ride upon any luggage, van or goods-waggon, without the special licence of the Superintendent of Locomotives, shall be liable to penalty not exceeding Twenty Rupees for each offence.

VI. No person shall smoke either on the Company's premises, or in or upon any of their Carriages, (except in places or Carriages which may be specially provided for the purpose;) any person infringing this regulation is hereby subjected to a penalty not exceeding Twenty Rupees, and any person persisting in such infringement after being warned to desist by any of the Company's servants, in addition to incurring the penalty above mentioned, may immediately, or at the first opportunity, be removed from the Company's premises, and shall forfeit his fare.

VII. Any person who shall be found in any Railway Carriage, or any part of the Company's premises, in a state of intoxication, or committing any nuisance or act of indecency, or shall wilfully and without lawful excuse interfere with the comfort of any passenger on the Railway, shall be liable to a penalty not exceeding Twenty Rupees; and in addition to such liability the offender may immediately, or at the first opportunity of travelling, be removed from the Company's premises, and shall forfeit his fare.

VIII. If any special Carriage or portion of a Carriage, or any private room or apartment, shall be provided for the exclusive use of females, any male person who shall enter such Carriage or portion of a Carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or who shall remain therein after having been informed of its exclusive appropriation, shall be liable to a penalty not exceeding

ing Twenty Rupees, and may be immediately removed therefrom, and also from the Company's premises, and shall forfeit his fare.

IX. The Company shall not in any case be answerable for passengers' luggage, unless it shall have been booked and separately paid for.

X. If any person shall fail to pay on demand any sum due for the conveyance of any goods conveyed upon the Railway, it shall be lawful for the Company to detain and sell all or any part of such goods, or if the same shall have been removed from the premises of the Company, it shall be lawful for them to detain and sell any other goods on their premises belonging to the party liable to pay such sum, and out of the money arising from such sale, to retain the sum payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the money arising by such sale and such of the goods as shall remain unsold, to the person entitled thereto, or the Company may recover any such sum by action at law.

XI. The owner or person having the care of any goods which shall have been carried upon the said Railway, or shall be brought on to the premises of the said Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity of such goods.

XII. If any such owner or person as aforesaid shall fail to give such account to such servant of the Company demanding the same, or if he shall give a false account thereof, he shall for every such offence forfeit to the Company a sum not exceeding Fifty Rupees for every ton of goods,

or

or for any parcel exceeding one hundred weight, (as the case may be,) in addition to the sum payable for the carriage of such goods.

XIII. No person shall be entitled to carry, or to require the Company to carry, upon the Railway, any goods which in the judgment of the Company shall be of a dangerous nature; and if any person shall cause any dangerous goods to be carried upon the said Railway without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper, or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall forfeit to the Company Two hundred Rupees for every such offence; and it shall be lawful for the Company to refuse to carry any parcel that they may suspect to contain goods of a dangerous nature, or to require the same to be opened to ascertain the fact previously to carrying the same.

XIV. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on the Railway, or any of the works, stations or premises connected therewith, shall be liable to a penalty not exceeding Fifty Rupees.

XV. Any person who shall trespass upon the Railway, or on any of the lands, stations, or other premises belonging to the Company, shall be liable to a penalty not exceeding Twenty Rupees; and if any such person shall refuse to leave such premises on being requested to do so by any officer, servant, or other person on behalf of the Company, he shall be liable to a penalty not exceeding Fifty Rupees, and may be immediately removed from such premises by such officer, servant, or other person as aforesaid.

XVI. Any

XVI. Any person who shall ride, lead, or drive upon or across the said Railway, or any part thereof, any beast or animal, (except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do,) shall be liable to a penalty not exceeding Fifty Rupees for each offence.

XVII. The owner of any animal which shall be found straying on the Railway, or on any lands belonging to the Company, shall be liable to a penalty not exceeding Ten Rupees for each animal.

XVIII. Any person who shall unlawfully and wilfully remove or deface the number-plates, or remove or extinguish any lamp on any Carriage belonging to the said Company, or shall wilfully damage or injure any Carriage, engine, waggon, truck, warehouse, building, machine, fence or any other matter or thing belonging to the Company, shall be liable to a penalty not exceeding Fifty Rupees, in addition to the amount of damage done.

XIX. If any person for whose use or accommodation any gate shall have been set up by the said Company on either side of the said Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any animal across the said Railway at a time when any engine or train passing along the same shall be in sight, or who shall at any time omit to shut and fasten such gate as soon as he and any carriage, cattle or other animals or things under his charge shall have passed through the same, he shall forfeit for every such offence a sum not exceeding Fifty Rupees.

XX. If any person shll commit any offence against this Act to which any penalty is attached, and the name and address of such person shall be unknown, any officer or servant of the Company, or any Police officer, may

may lawfully apprehend and detain such person until he can conveniently be taken before a Magistrate, or other officer having jurisdiction over the offence, or until he shall be otherwise discharged by due course of law.

XXI. Whoever shall wilfully do any act, or omit to do what he shall be legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause, any engine, tender, carriage, or truck upon the said Railway to be obstructed, mismanaged, overthrown, or damaged in its passage upon the said Railway, and the life or limb of any person to be thereby endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXII. If any officer or servant of the said Company shall wilfully or negligently omit to do what he shall be legally bound to do, and if, in consequence of such omission, the life or limb of any person shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXIII. If any officer or servant of the said Company shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty the omission or negligent performance of which would be likely to endanger the life or limb of any person, such officer or servant shall be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

XXIV. In the construction of this Act, every officer or servant of the Company shall be deemed to be legally bound to do everything which he shall be required to do by any Regulation having regard to public safety which shall be made by the said Railway Company, and allowed by the Government of Bombay, and of which such officer or servant shall have notice.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. IV. OF 1853.

Passed by the Governor General of India in Council, on the 11th March, 1853.

An Act for the abolition of the Government monopoly of Tobacco in the Provinces of Coimbatore, Malabar and Canara.

WHEREAS it has been deemed expedient, that the monopoly of Tobacco in the Provinces of Coimbatore, Malabar and Canara, shall be abolished, Regulations VII. and VIII. of 1811, and such parts of Regulation V. of 1831, of the Madras Code, as relate to the said monopoly, are hereby rescinded.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

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ACT No. V. OF 1853.

Passed by the Governor General of India in Council, on the 18th March, 1853.

An Act for the amendment of Act No. IV. of 1839.

FROM the passing of this Act, so much of Section VII. of Act No. IV. of 1839, as enacts that "no Justice of the Peace, being a proprietor or renter of a spice plantation, or otherwise directly interested in the enforcement of the provisions of the said Act, shall sit and have a deliberative voice in the Court of Quarter Session when held at a Station where such Justice may be so interested," is repealed; Provided that no Justice of the Peace shall sit and have a deliberative voice in any case in which he may be the party aggrieved.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery

ACT No. VI. OF 1853.

Passed by the Governor General of India in Council, on the 15th April, 1853.

An Act relating to Summary Suits for Arrears of Rent, to sales of Putnee Talooks, and other saleable tenures, and to sales of land in satisfaction of Summary Decrees for Rent.

WHEREAS, by Regulation VIII. 1831 of the Bengal Code, the hearing and decision of Summary Suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of Land Revenue of the several districts; and whereas by Regulation VII. 1832 of the Bengal Code, the conduct of sales of Putnee Talooks and other saleable tenures, under Regulations VIII. 1819, and I. 1820 of the same Code, and the performance of other acts preparatory to, or connected with, such sales, were transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. 1835, the power theretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of summary decrees for rent was transferred to the Collectors of Land Revenue, and it was enacted that all sales for the recovery of arrears of rent held under Clause 7, Section XV. Regulation VII. 1799, should be conducted by the Collector, his Deputy, or duly authorized Assistant, and that ten days' notice

notice should be given of such sales by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector; and whereas it is expedient that Act XXV. 1850, and Section IX. Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section XVI. Regulation VII. 1832 of the same Code, and as altered by the said Act XXV. 1850, should be extended to sales under Act VIII. 1835; and whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the abovementioned Regulations and Acts, where lands situate within the zillah or other district of one Collector, form part of an entire estate, paying revenue to the Collector of another zillah or district: In order therefore to avoid such doubts, and also to define who are the proper Officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and also in cases where lands held in Putnee, or other tenure, at one entire rent, are situate in two or more Collectorates, and to prevent any such decision or sale already made from being held invalid, upon the ground of its having been made by an Officer of a wrong district; It is enacted as follows:

I. If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one Collectorate, the Collector of such Collectorate is the Collector to conduct the sale, or to hear and decide the suit. If one Talook or tenure shall comprise lands situate in two or more Collectorates, or if any lands situate in two or more Collectorates be held under one lease or engagement, or at one entire rent, the Collector, in whose Collectorate the greater part of such lands shall be situate, is the Collector to conduct the sale of such Talook, or tenure, or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

II. If

II. If a Collector, to whom application shall be made to exercise any of the powers abovementioned, shall entertain any doubt as to whether the lands or the greater part of them are situate within his Collectorate, he shall report the case for the order of the Board to which he is subordinate, and if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

III. The word "Collectorate" in this Act means the zillah or other district, to which a Collector is appointed, and no lands situate beyond the limits of such zillah or district shall be deemed to be situate within the Collectorate, by reason of their forming part of an estate paying revenue to the Collector thereof.

IV. An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within his Collectorate, and with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

V. An independent Deputy Collector is an Officer appointed by Government to act as Deputy Collector, independently of a Collector, whether his office is one for the receipt of revenue or not. A Deputy Collectorate is the district within which an independent Deputy Collector is directed by Government to act.

VI. In cases of sales by an independent Deputy Collector, under the abovementioned Regulations or Act, any notice thereby required to be

stuck up at the Cutcherry of the Collector, may be stuck up at the Cutcherry of the Deputy Collector.

VII. An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public Cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

VIII. Any notice required by the abovementioned Regulations or Act, to be given by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, shall be stuck up at the Zillah Court or local Adawlut within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

IX. No order, decision, or sale, made in the discharge of any of the duties aforesaid, under any of the aforesaid Regulations, or under the aforesaid Act, before the passing of this Act, shall be disputed, or deemed invalid, upon the ground that the Collector, Deputy Collector, or other Officer making the same, was not the Collector, Deputy Collector or Officer of the proper district; or upon the ground that the Cutcherry, at which notice of such sale was given, was not the Cutcherry of the proper district, unless proceedings shall, previously to the passing of this Act, have been commenced, for the purpose of disputing the validity of such order, decision, or sale, upon such ground.

X. Act XXV. 1850, and Section IX. Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section XVI. Regulation VII. 1832 of the same Code, except so far as the same has been altered by the said Act XXV. 1850, are hereby extended to all sales under Act VIII. 1835.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VII. OF 1853.

Passed by the Governor General of India in Council, on the 15th April, 1853.

An Act to extend the Jurisdiction of Magistrates, under the 53rd George 3rd, Cap. 155, Sec. 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.

WHEREAS, by an Act passed in the 53rd year of the reign of King George the 3rd, it was enacted amongst other things that it should be lawful for any Native of India resident in the East Indies or parts therein mentioned, and out of the Towns of Calcutta, Madras and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the zillah or district where the alleged offender should be resident, or in which such offence should have been committed, and that such Magistrate should have the power and authority therein mentioned: and whereas Natives of India, resident in the East Indies, upon complaints preferred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth: and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843, to cases of assaults, forcible entries,

entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, or the Islands of Bombay and Colaba, or the settlement of Prince of Wales' Island, Singapore and Malacca, against the person or property of any person whatever, whether a Native of India or not: It is enacted as follows:

I. The provisions of the said Act of the 53rd George 3rd and of Act IV. 1843, so far as the said povisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any Native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East India Company, not being within the said towns of Calcutta or Madras, the said Islands of Bombay and Colaba, or the said settlement of Prince of Wales' Island, Singapore and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the Magistrate of the zillah or district, may be lawfully exercised by any Joint Magistrate or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

Calcutta, 1853 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VIII. OF 1853.

Passed by the Governor General of India in Council, on the 15th April, 1853.

An Act for bringing the lapsed State of Colaba under the Laws of the Presidency of Bombay.

WHEREAS it is no longer necessary that the lapsed State of Colaba, should be exempted from the general rules of the British Administration; It is hereby enacted as follows:

I. From and after such day as shall be appointed in that behalf by the Governor of Bombay in Council, by Proclamation to be made and published in the *Bombay Gazette*, Act XVII. 1844, shall be repealed, and the lapsed State of Colaba mentioned in that Act shall be subject to all Regulations and Acts which are, or shall be, in force within the territories subject to the Presidency of Bombay.

II. Suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Colaba:

1st. All claims for damages against persons in authority under the late Government, for abuse of power during that period.

2nd. All

2nd. All claims against Government on account of Enams.

3rd. All claims against Government on account of jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding Public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of village debts, all village boundary disputes, and village disputes regarding the use of wells and water-courses.

III. The Governor of Bombay in Council is empowered to exempt from the Jurisdiction of the Civil Courts, in all matters partaking of the nature of a Civil suit, Yeshudabaee Saheb Angria, a relative of the late Angria Sirkeil, and to declare this lady amenable to the authority of an Agent whom he may appoint for this purpose.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. IX. OF 1853.

Passed by the Governor General of India in Council, on the 22nd April, 1853.

An Act to amend Act No. VI. of 1853.

IT is hereby enacted, that the first eight Sections of Act No. VI. of 1853, shall not extend to any case in which a petition for the sale of any saleable tenure was presented on the first day of Bysack, 1260, of the Bengal era, nor to any case in which any proceedings were pending at the time of the passing of the said Act.

Calcutta, 1853:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. X. OF 1853.

Passed by the Governor General of India in Council on the 15th July 1853.

An Act to amend Act No. XXII. of 1836.

WHEREAS it is expedient to prevent boats, rafts and floats from remaining longer than necessary in any part of the lines of Navigation described in Act No. XXII. of 1836, it is enacted as follows :

I. Section IV. of the said Act is repealed, except as to rent now due under any order or notification made in pursuance of the provisions thereof.

II. The Governor of Bengal shall be competent to prescribe the length of time during which boats, rafts or floats may remain in part of either of the lines of Navigation aforesaid without paying rent or demurrage, and also the rate of rent or demurrage to be levied on any boat, raft or float which shall remain therein longer than the prescribed time.

III. The provisions of Sections VII. VIII. and IX. of the said Act, so far as they apply to rent, are hereby extended to the rent or demurrage to be prescribed in pursuance of this Act.

Calcutta, 1853 :—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT No. XI. OF 1853.

Passed by the Governor General of India in Council on the 15th July 1853.

An Act to facilitate the removal of Nuisances and Encroachments below High-water Mark in the Islands of Bombay and Colaba.

WHEREAS there is a large sea-shore in the Islands of Bombay and Colaba, and it is expedient, with a view to the safe Navigation of the Harbour of Bombay, and to the public interests generally, to facilitate the removal of nuisances, obstructions and encroachments below high-water mark in the said Harbour, or upon or about the shores of the said Islands, it is enacted as follows;—

I. It shall be lawful for the Collector of Land Revenue at Bombay to give notice requiring the removal of any nuisance, obstruction or encroachment anywhere below high-water mark in the said Harbour of Bombay, or upon or about the shores of the said Islands; such notice shall be given by affixing the same in some conspicuous place on or near to the encroachment, obstruction or nuisance complained of, and by publication thereof in the *Bombay Government Gazette*, and shall state that unless the nuisance, obstruction or encroachment be removed or abated within one month, the same will be removed or abated by the said Collector; such notice may be in the Form No. 1, in the Schedule to this Act annexed, or to the like effect.

II. If any

II. If any person shall deny the right of the said Collector to effect such abatement or removal, he shall, within one month after such notice shall have been given as aforesaid, apply to the Supreme Court of Judicature at Bombay, by petition, setting forth the grounds of his alleged right, and praying that the said Collector may be restrained from causing such abatement or removal, and the said Court may thereupon (on the petitioner's giving sufficient security for costs), fix a time for hearing and adjudicating upon such petition, and give such directions and make such orders as the said Court may think just, and the said Court may also make an order for restraining the alleged nuisance, obstruction or encroachment from being extended, or from being abated or removed by the said Collector, until after adjudication upon the said petition, or the dismissal thereof for want of prosecution.

III. Upon the hearing of every such petition, the *onus* of proving the alleged right shall be on the petitioner.

IV. No person shall be allowed, after the expiration of such period of one month, to present any such petition as aforesaid, unless on satisfactorily accounting to the said Court for the delay.

V. If no such petition shall be presented within the said period of one month, or if the same be presented and determined against the right of the petitioner, or be dismissed for want of prosecution, it shall be lawful for the Collector to cause such abatement or removal as aforesaid, by any person or persons to be authorized by warrant under his hand, and such warrant may be in the Form No. 2, in the Schedule to this Act annexed, or to the like effect; and the said Collector, and any person acting under his warrant, shall not be answerable for any damage unavoidably occasioned in the removal of any such nuisance, obstruction or encroachment.

VI. The said Collector may sell the materials of any encroachment or obstruction removed under this Act, and may apply the proceeds of sale in or towards payment of the expenses of the removal, and if any surplus shall remain, the same shall be forfeited, and be paid and applied in such manner as the Governor of Bombay in Council shall direct.

VII. Nothing

VII. Nothing in this Act shall prejudice or affect the rights of the East India Company as trustees for the Crown in any part of the said Harbour, or of the sea-shore of the said Islands, or preclude or interfere with any such proceedings, civil or criminal, for abating such nuisances and encroachments as aforesaid, as might have been had if this Act had not been passed.

VIII. The words "high-water mark" in this Act shall mean the ordinary line of high water at monsoon tides.

SCHEDULE.

Form No. 1.

Notice is hereby given by the Collector of Land Revenue in Bombay, under Act No. XI. of 1853, that *(describe the encroachment)* is to be removed or abated within one month from the date hereof, otherwise the same will be removed or abated by the said Collector under the authority of the said Act. Dated the
day of in the year of
our Lord

(Signature of Collector.)

Form No. 2.

This Warrant, granted by the Collector of Land Revenue in Bombay, under Act No. XI. of 1853, is to authorize of
to remove *(describe encroachment.)*

Dated

(Signature of Collector.)

Calcutta, 1853.—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT No. XII. OF 1853.

Passed by the Governor General of India in Council on the 22nd July 1853.

An Act supplemental to Act No. III. of 1853, relating to the Great Indian Peninsula Railway Company in the Presidency of Bombay.

WHEREAS by Act No. III. of 1853, certain offences are made punishable by pecuniary penalties or forfeitures, and doubts have arisen whether such offences are punishable by Magistrates of Police in the Islands of Bombay and Colaba, and it is expedient to remove such doubts, and also to define by what Officers such offences shall be punishable; It is enacted as follows:

I. Any person who shall be guilty of any offence for which, according to the provisions of the said Act, such person shall be liable to any pecuniary penalty or forfeiture, shall be punishable for such offence by any Magistrate of Police, Justice of the Peace, Magistrate, Joint Magistrate or person lawfully exercising the powers of a Magistrate, within the local limits of whose jurisdiction such offence shall be committed, and any person hereby made punishable by a Magistrate of Police or Justice of the Peace, shall be punishable upon summary conviction.

II. Any Deputy or Assistant Magistrate, and any district or joint Police Officer, may, to the extent of the powers conferred upon him by the general Regulations of the Bombay Code, and by the Acts

Acts of the Governor General of India in Council, exercise the powers conferred upon a Magistrate by this Act, coupled with Act No. II. of 1839.

III. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of the said Act, No. III. of 1853, may be enforced in the same manner as any penalty under this Act.

Calcutta, 1853 :—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT No. XIII. OF 1853.

Passed by the Governor General of India in Council, on the 29th July 1853.

An Act for bringing under the operation of the Regulations and Acts in force in the Presidency of Bombay, certain Territories subordinate to that Presidency.

WHEREAS the possessions of the Chief of Vishalghur, situate below the Ghauts in the Southern Concan, have been added to the British Territories:

I. It is hereby enacted, that from and after the 1st day of September 1853, the villages and hamlets mentioned in the annexed Schedule shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. It is hereby further enacted that the Pergunnahs of Yawul, Chopra, and Pachora, and the Turf of Lohara, in the Province of Khandesh, formerly belonging to His Highness Scindia, and which have been permanently ceded to the British Government, shall be deemed to have been subject, from the 26th of February 1845, to the Regulations and Acts in force in the Bombay Presidency, to the same extent as if the said Pergunnahs and Turf had not

not been transferred to His Highness Scindia after the passing of Regulation XXIX. of 1827 of the Bombay Code, and shall continue to be subject to the extent to all Regulations and Acts which are or shall be in force within the Territories subject to the Presidency of Bombay.

SCHEDULE.

Territorial description of the villages forming the Ghera of the Vishalghur Fort, formerly belonging to the Pritinidhee of Vishalghur: they are bounded on the East by the Syhadree range, on the South and West by the Lanje Turf of the Rutnaghirree District, on the North by the Dewulé Turf of the Rutnaghirree District.

The Ghera is comprised of the under-mentioned villages and hamlets, 19:

1 Mouza Deode.
2 Ditto Bhudkumbé.
3 Ditto Wanjolee.
4 Ditto Kochré.
5 Ditto Veerowlee, Boozoorg and Gowil.
6 Ditto Kolé Wadee.
7 Ditto Paloo.
8 Ditto Salpé.
9 Ditto Keirbet.
10 Wadee Ranjun.
11 Wadee Udhistee.
12 Ditto Chinchoortee.
13 Ditto Wud.
14 Mouzah Moorshee.
15 Ditto Bhowde.
16 Wade Tipowné.
17 Khor Ninks Prubhau Wulla
18 Wadee Oombrowné.
19 Ditto Manchal.

Calcutta, 1853:—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT NO. XIV. OF 1853.

Passed by the Governor General of India in Council on the 21st October 1853.

An Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company called the Indian Navy.

WHEREAS it has been deemed expedient, in pursuance of the Provisions of an Act passed in a Session of Parliament holden in the 3rd and 4th years of the reign of Her Majesty Queen Victoria, to provide for the due collection, conversion into money, application, remittance and distribution of the effects of Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the Marine Establishment of the East India Company called the Indian Navy, who shall die in the Service of the said Company out of the United Kingdom, and for the discharge of their marine debts, It is enacted as follows:

1. When any Commissioned Officer belonging to the Indian Navy shall die in the Service of the East India Company out of the United Kingdom, whether his death shall take place on board Ship or on shore, the first Lieutenant of the Ship or Vessel to which such Officer belonged at the time of his death, or the Officer of such Ship or Vessel

next

next in rank to the Commander thereof, or the Commander himself if there is no other Commissioned Officer on board, or any Officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said Ship or Vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of such Ship or Vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, and not later than one month after the death of the Officer, with the assistance of two other Officers not under the rank of Purser or of Clerk in charge, such Clerk having served not less than two years at sea, to be appointed by the Commanding Officer of the said Ship or Vessel, make an inventory thereof, and transmit that inventory together with an account of the debts and credits to the Office of the Secretary to the Government of the Presidency of Bombay in the Marine Department, to the end that after payment of such Officer's marine or ship debts and the expenses of his interment where any shall have been incurred, the overplus if any shall be paid over by the said Secretary to the legal representatives of the Officer so deceased as hereinafter mentioned.

II. When any Non-commissioned Officer, Seaman or other person belonging to or serving in the Indian Navy shall die out of the United Kingdom in the service of the East India Company, whether his death shall take place on board Ship or on shore, the First Lieutenant of the Ship or Vessel to which such Non-commissioned Officer, Seaman or other person belonged at the time of his death, or the Officer of such Ship or Vessel next in rank to the Commander thereof, or the Commander himself if there be no other Commissioned Officer on board, or any Officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said Ship or Vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of the Ship or Vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, not later than one month after the death, in the presence of two other Officers of the rank in the preceding section mentioned, to be appointed by the Commander of the said Ship or Vessel, take an inventory thereof and of his credits, and shall take care

care that the same be applied in the first instance to the liquidation of his marine or ship debts, the remainder if any to be paid over to the Secretary to the Government of Bombay in the Marine Department, in order that the same may be paid to the legal representatives of the deceased.

III. When any such Commissioned or Non-commissioned Officer or Seaman, or other person shall at the time of his death as aforesaid have been detached temporarily from his own Ship, and shall be serving with another Ship at a distance from his own, the Officers of the Ship in which the deceased was serving, as well as the Officers of the Ship to which the deceased belonged at the time of his death, shall act in manner above directed in Sections I. and II. of this Act.

IV. If any Commissioned Officer, or Non-commissioned Officer, Seaman, or other person belonging to or serving in the Indian Navy shall die within the Presidency of Bombay, away from the Ship or Vessel to which he belongs, except when temporarily serving with another Ship, the Commander-in-Chief of the Indian Navy shall in such case appoint a Committee consisting of such three Officers as he may direct, to secure the effects of the deceased, or such of them as he may direct, and to apply the same and act in regard thereto as in the first and second sections of this Act mentioned.

V. The said First Lieutenant and other Officers to be selected and appointed for the purposes aforesaid, are hereby required to take upon them the said duties, and faithfully discharge the same, and in all respects to conform to the provisions and regulations hereinafter particularly specified.

VI. The effects and credits, within the territories under the Government of the East India Company, of Deserters from the Indian Navy, shall be collected and applied in like manner in payment of their marine or ship debts, and the remainder if any, shall be brought to the credit of the said Company.

VII. It shall be lawful for the Officers, or other persons so authorized as aforesaid to secure and collect the effects or any part of the effects of any such deceased Officer, Seaman or other person so dying as aforesaid, to ask, demand and receive any such effects to which his authority shall

shall extend, and to commence, prosecute and carry on any actions or suits for the recovery thereof, and to sell and dispose of or otherwise deal with the same without taking out any letters of administration, either with any will annexed or otherwise, in every respect as if such Officers or persons employed or authorized as aforesaid had been appointed executors, and had proved the will or had taken out admistration of such effects; and no Administrator General, Registrar of any Court in the East Indies, or any person acting under the appointment or authority of such Court *ad colligenda* or otherwise, shall in any manner interpose in relation to any such effects unless required or authorized so to do by any such Officer or person so authorized as aforesaid.

VIII. All sums of money due by deceased Officers, Engineers, Marines, Seamen, and other persons belonging to or serving in the Indian Navy, to the Indian Navy Fund, or in respect of mess-bills unadjusted since the last regular issue of pay-bills, or in respect of Military or Marine clothing appointments, or of equipments or other articles supplied from the Ship's stores, or of servants' wages due, or of any Ship expenses during the current month, or of any sanatarium or hospital charges, or of any mess or marine or ship accounts, and all sums of money due to any agent or Paymaster or Purser, or any other Officer upon any such account, or on account of any advance made for any such purpose, and also any charges or expenses attending or relating to the illness or funeral of any such Officer, Seaman or other person, shall be deemed and taken to be marine or ship debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels and effects of any Officer, Seaman or other person dying out of the United Kingdom while in the Service of the said Company, in preference to any other debts, claims or demands whatsoever upon the estate and effects of such Officer, Seaman or other person, and if any doubt shall arise as to whether any claim or demand made in relation to any Officer, Seamen or other person is a marine or ship debt or not, or whether such charges or expenses attending or relating to the illness or funeral of such Officer, Seaman or other person are proper to be allowed, or whether any such marine or ship debts remain due, such question shall be decided and concluded by any order or certificate to be made by the Secretary to the Government, and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears

rears of pay, effects, or proceeds as aforesaid under the provisions of this Act, or in pursuance of any such order or certificate of such Marine Secretary, or into whose hands any such money shall come, shall be and is hereby indemnified for and in respect of such payments, and all other acts, matters and things done in pursuance of the provisions of this Act, or of the order or certificate of the said Secretary in relation to the distribution of such assets, anything in any Act or Acts or law or laws to the contrary notwithstanding.

IX. All such marine or ship debts shall and may be paid without probate of any will or any letters of administration, and the surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods and chattels, or the proceeds thereof, shall be deemed the personal Estate of the deceased for the payment of duty in respect of any probate or of any letters of administration or for the purpose of distribution as personal estate, and it shall be lawful for the said Secretary to order and direct the payment or distribution of any such surplus, in any case in which the same shall not exceed Five hundred Company's Rupees, without any probate or letters of administration, or payment of any duty of stamps or upon legacies or otherwise, and it shall also be lawful for any Pay-master or other person to issue any sum not exceeding the value of Five hundred Company's Rrupees which may be due to any such deceased Officer, Seaman, or other person unto the widow or relative of any such Officer, Seaman or other person, or unto the representative or representatives of any such widow or relative in India in like manner, without any probate or letters of administration or payment of any duty of stamps, or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said Secretary as aforesaid as being entitled thereto, and all such payments respectively shall be as valid and effectual to all intents and purposes, as if the same had been made by or to any executor or administrator or under the authority of any probate or letters of administration, anything in any Act or Acts or law or laws to the contrary notwithstanding.

X. Any such effects, or the proceeds or surplus of such effects, of any Officer, Seaman or other person so dying, when remitted to any person under any order of the Secretary to the Government of Bombay, or to such Secretary, shall not by reason of coming to the hands of such person or Secretary be taken to be assets or effects in the place to which such proceeds

or

or surplus may be remitted, so as to render it necessary that administration should be taken out in respect thereof, and it shall be lawful for the Secretary to the Government of Bombay to order that such effects or the proceeds or surplus of any such effects shall be remitted to any other place in India where the same can more conveniently be paid over to the person or persons entitled thereto, and the obedience to the orders of such Secretary in respect to the payment and disposal of any such effects, proceeds or surplus of such effects, shall be a discharge from all actions, suits and demands in respect thereof, to any person to whose hands any such effects, proceeds or surplus shall have come, and which shall have been paid and disposed of under the order of such Secretary.

XI. The effects or the proceeds or surplus of effects of any such Officer, Seaman or other person dying as aforesaid, which shall remain after satisfying such marine or ship debts as aforesaid, shall with all convenient speed be transmitted to such Secretary as aforesaid, by the Officer or person employed or required to take care of, collect and receive the same, and such Secretary shall cause the same or the surplus thereof remaining after satisfying such debts, and after and subject to such payment and application as is hereinbefore authorized to be paid to the executor or legal representative (if in India)of such Officer, Seamen or other person, or if such executor or legal representative shall not be in India, or shall not within twelve moths from the death of such Officer, Seaman or other person claim such surplus, then and in that case such Secretary shall remit the said surplus to the Court of Directors of the East India Company in London, to be by them paid to the executor or legal representative of such Officer, Seaman or other person so deceased, and such remittance at the end of twelve months as aforesaid shall be a discharge to such Secretary from all actions, suits and demands in respect of such surplus; provided always that the Registrars of Her Majesty's several Supreme Courts in India shall not, nor shall the Administrator General of either of the said Presidencies, be required or entitled to take out letters of administration with the will annexed, or otherwise in respect of such surplus.

XII. The provisions of this Act are intended to apply and shall apply only to European Officers and Seamen, and to other persons being Europeans belonging to the Indian Navy, who may die as aforesaid.

XIII.—And

XIII. And whereas the Governor in Council of Bombay made certain Rules, bearing date 27th July 1844, to be observed on the decease of European Officers and European Seamen belonging to the Indian Naval Service, purporting to be Rules made in pursuance of the provisions of the said Act of the 3rd and 4th Victoria and the Articles of War thereto annexed, and which Rules have been acted upon, It is hereby enacted that the said Rnles shall no longer be acted upon, but that all acts heretofore done within any part of the territories under the Government of the East India Company, which were authorized by the said Rules, shall be deemed to be valid, and that no act thereby authorized to be done shall be questioned in any Court of justice in any part of the territories under the Government of the East India Company.

Calcutta, 1853 —Printed at the *Calcutta Gazette* Press, by T. Jones.

BENGAL SECRETARIAT LIBRARY

ACT NO. XV. OF 1853.

Passed by the Governor General of India in Council, on the 28th October 1853.

An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the presidency of Fort William in Bengal.

WHEREAS it is desirable to simplify and shorten the procedure in regular appeals to the Courts of Sudder Dewanny Adawlut in the said Presidency; It is enacted as follows:—

I. Act IV. 1850, and Sections II., III. and IV. Act XXX. 1850, are hereby repealed, except as to appeals presented before the passing of this Act.

II. *Clause* 1*st*.—Every petition of regular appeal in a case appealable to either of the said Sudder Courts shall be presented to the Court in which the decision was passed within six weeks from the day of the decision. Such petition of appeal shall, except in cases of petitions under Section XIII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause

Clause 2nd.—The Sudder Court may extend the time for presenting such petition of appeal to the lower court, upon being satisfied that there is sufficient cause for such extension of time. The application for such extension of time may be made directly to the Sudder Court, or through the intervention of the lower court, at the option of the applicant.

III. On presentation of a petition of regular appeal to the Court, in which the decision was passed, notice thereof to the respondent, as well as a proclamation to the same effect, shall immediately issue from that Court; and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling-house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed or the notice served in the manner above-mentioned, the proclamation shall be fixed up in such other place, if any, as the said last mentioned Court shall direct. The nazir shall make a return to the Court stating when and where the notice and proclamation have been served or fixed up. The return of the nazir shall be filed in Court and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower court.

IV. *Clause 1st.*—The Rule in Section XI. Regulation VI. 1793, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the Court in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them which either of the parties shall require to be copied, authenticated and deposited in the lower court previously to their being transmitted to the Sudder Court.

Clause

Clause 2nd.—If either of the parties require any papers to be copied, authenticated and deposited, such party shall either by himself or his pleader or authorized agent give notice in writing thereof to the lower court, before the expiration of fourteen days from the time of the publication of the return of the nazir as aforesaid. Such notice shall specify the papers which the party requires to be copied, authenticated and deposited.

Clause 3rd.—Either party may by himself or his pleader or authorized agent before the presentation of an appeal give notice in writing to the lower court, specifying any papers or documents which he requires to be copied, authenticated and deposited, in the event of an appeal being preferred.

V. The petition of appeal together with the record of the lower court shall be certified to the Sudder Court as soon as conveniently may be after the presentation of the petition of appeal. Provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated and deposited.

VI. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VII. *Clause 1st.*—On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to the appeal or to the decision of the lower court within four weeks from the date of such notice.

clause 2nd.—Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd.—If the respondent shall desire to object to any part of the decision of the lower court not involved in the appeal, he may present

sent a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th.—The respondent shall in such case file with his petition of appeal his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VIII. *Clause 1st.*—At the expiration of the time allowed to the respondent for filing his grounds of objection and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete and the case ready to be called up for decision on any day which the Sudder Court may notify, unless the respondent within such time file a separate petition of appeal in the Sudder Court.

Clause 2nd—If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court to the effect that the respondent has filed such separate appeal, and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd.—Within such space of four weeks the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th.—If the appeal of either party be dismissed or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals and the proceedings thereon shall form one record, unless the Sudder Court shall otherwise order.

IX. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower court.

X. *Clause 1st.*—All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely

concisely without any argument or narrative of facts, and shall be numbered consecutively, and except in the cases herein-after-mentioned, shall be on paper bearing the stamp duty prescribed by Article 9, Schedule B, Regulation X. 1829.

Clause 2nd,—The Sudder Court may extend the time for filing grounds of objection either by an appellant or respondent upon special application for that purpose, and upon sufficient reasons being shown to the satisfaction of the said Court for such extension of time. In such case the objections may be filed within such extended time.

XI. Either party may, by leave of the Sudder Court or any judge thereof, at any time before the hearing, amend his grounds of objection or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or judge may order. The said Court may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds, or to urge and be heard by himself or his pleader in support of any objection not included in his grounds of objection, upon such terms and conditions as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not included in his grounds of objection filed. But the Court shall not be confined to such grounds of objection on deciding the cause.

XII. *Clause 1st.*—The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent or the appellant to the appeal of the opposite party, and the Sudder Court may hear and decide upon such grounds of objection before calling the case up for decision upon the grounds of objection to the decision of the lower court.

Clause 2nd.—If the grounds of objection filed by the appellant, and respondent, shall be upon points of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision on any day which the said Court shall notify, without

without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd.—If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section, and if their decision of the case upon the law shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case, otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XIII. If any party to a regular suit be desirous of being admitted to appeal *in formâ pauperis* to the Sudder Court, the following procedure shall be adopted.

Clause 1st.—The appellant shall present his petition to the lower court according to the rules prescribed by Section II. of this Act. Provided that a petition to appeal *in formâ pauperis* against any decision passed before this Act shall come into operation, may be presented withih three months from the day of the decision.

Clause 2nd.—Petitions of appeal by parties desirous to appeal *in formâ pauperis* shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner and the estimated value of such property, and shall be written on paper bearing the stamp duty of two Rupees per sheet.

Clause 3rd—Upon the presentation of such petition, the notice to the respondent and the proclamation shall state that the appellant desires to appeal *in formâ pauperis.*

Clause 4th.—On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according

according to the rules now applicable to the determination of such cases, whether or not the appellant shall be allowed to appeal *in formâ pauperis.*

Clause 5th.—If the Sudder Court allow the petitioner to appeal *in formâ pauperis,* notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VII. of this Act, and the same procedure shall be adopted subsequently thereto as in other cases of regular appeal under this Act. The rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in formâ pauperis* shall continue in force except where the same are inconsistent with any of the provisions of this Act.

Clause 6th.—If the Sudder Court refuseto allow the petitioner to appeal *in formâ pauperis,* the said Court may make an order to the effect that the appellant upon filing a petition of appeal in that Court, upon paper stamped with the stamp duty required by Article 8, Schedule B, Regulation X. 1829, and upon re-filing his grounds of objection on paper stamped with the stamp duty required by Article 9 of the same Schedule, may proceed with the appeal according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th.—Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty required by Clause 5 of this Section, within two weeks from the date of such order, or within such further time as the said Court may allow for that purpose, otherwise the appeal shall stand dismissed.

Clause 8th.—Upon the re-filing of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VII. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice shall be according to the general provisions of this Act.

Clause 9th.—If an appellant shall petition to appeal *in formâ pauperis,* his grounds of objection may be written on plain paper.

XIV. If an appellant shall be admitted to appeal or a respondent to defend *in formâ pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Sudder Court on account of any error, defect or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XVI. This Act extends only to regular appeals which shall be presented after the passing of this Act in Civil cases appealable to either of the Sudder Courts in the Presidency of Fort William in Bengal.

Calcutta, 1853:—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT NO. XVI. OF 1853.

Passed by the Governor General of India in Council on the 18th November 1853.

An Act for amending the Law of Special Appeals.

I. Act No. III. of 1843 is hereby repealed, except as to cases in which a petition for appeal shall have been presented before this Act shall come into operation.

II. If any application for a special appeal shall have been presented, and no order shall have been passed thereon before this Act shall come into operation, such application shall be heard and determined in the same manner as an appeal presented under this Act; and all the provisions of this Act shall extend to such application and to the hearing thereof, and to all subsequent proceedings thereon; and also to the hearing and determination of the appeal if the same shall be admitted.

III. If any such application shall have been presented, and the appeal admitted before this Act shall come into operation, the appeal shall be heard and determined, in the same manner as if this Act had not been passed, except that the Sudder Courts shall determine the appeal without reference to the points certified, and may call for or refer to any part

part of the proceedings which may be necessary, and that the provisions of Section X. of this Act shall extend to such appeals.

IV. A special appeal shall lie to the Sudder Courts in the several Presidencies of Fort William in Bengal, Fort St. George and Bombay, from any decision passed on regular appeal in any of the Civil Courts subordinate to the said Sudder Courts respectively, on any of the following grounds, namely:

1st. On the ground that the decision hath failed to determine all material points in difference in the cause, or hath determined the same or any of them contrary to law or usage having the force of law.

2nd. On the ground of a misconstruction of any document.

3rd. On the ground of any ambiguity in the decision affecting the merits.

4th. On the ground of any substantial error or defect in procedure, or in the investigation of the case, provided such error or defect be apparent on the record, and shall have produced, or be likely to have produced, any error or defect in the decision of the case upon the merits. Provided always that no such special appeal shall lie, nor shall any such decision be reversed, altered, or remanded by any of the said Sudder Courts, upon the ground that the decision of any question of fact is contrary to or not warranted by the evidence duly taken in the cause, or any probability deduced from the record.

V. *Clause* 1.—A petition of special appeal may be presented in the Sudder Court, or it may be presented in the Court in which the decision objected to was passed for transmission to the Sudder Court. In either case the petition must be presented within three months from the date of the decision appealed against, unless the petitioner can show just and reasonable cause to the satisfaction of the Sudder Court for not having presented it within such limited period.

Clause 2.—Every such petition of special appeal shall be accompanied by authenticated copies of the decree objected to and of the decree of the Court of original jurisdiction. If the appeal be presented in the Court in which the decree objected to was passed, such last mentioned Court shall forthwith forward the same to the Sudder Court with an endorsement thereon of the date on which it was presented together

with

with the copies of the decrees of the lower Courts by which it was accompanied.

Clause 3.—An application for an extension of the time for presenting a petition of special appeal may be made directly to the Sudder Court or through the intervention of the lower Court at the option of the applicant.

VI. Every petition for a special appeal shall set forth concisely and under distinct heads the grounds of objection to the decision appealed without any argument or narrative, and such grounds shall be numbered consecutively.

VII. *Clause* 1.—The Sudder Courts shall cause lists of the petitions which shall be presented for the admission of special appeals to be prepared weekly, and to be affixed in the Court-houses of the said Sudder Courts respectively. The said lists shall set forth the dates on which such petitions are likely to be brought on for hearing, and the said Sudder Courts shall cause extracts from the said lists to be transmitted to the Courts in which the decisions on regular appeal were passed; such extracts shall be affixed in some conspicuous place in the last mentioned Courts, and extracts therefrom shall be transmitted by such Courts to the Courts in which the original suits were instituted, and such last mentioned extracts shall be affixed in some conspicuous place in the said last mentioned Courts. The time to be fixed by the Sudder Court for the hearing of any petition shall not be less than six weeks from the date of despatch of the extracts referring to the same from the Sudder Court. The date of the despatch of each extract shall be notified thereon.

Clause 2.—At any time within the period of one month from the date of the despatch of the extract referring to the appeal, or within such further time as the Sudder Court shall for just and reasonable cause allow for that purpose, the respondent may present a separate petition of special sppeal in the Sudder Court upon any of the grounds upon which a special appeal will lie against any part of the decision of the lower Court not involved in the appeal of the opposite party, provided the respondent shall not previously have presented a special appeal in the cause. Such petition however shall not be inserted in any list to be prepared in pursuance of Clause 1, Sec. VII. of this Act.

Clause 3.

Clause 3.—If the petition of appeal or the appeal of either party be dismissed, withdrawn or rejected, the application for appeal or the appeal, as the case may be, of the other party, shall be heard alone according to the provisions of this Act; otherwise, all applications for special appeal and all admitted special appeals relating to the same decision, shall respectively be heard together unless the Sudder Court shall otherwise order in any case.

VIII. *Clause* 1.—It shall be lawful for one or more of the Judges of the said Sudder Courts, respectively, to hear applications for special appeals, duly presented as aforesaid, in the presence of the appellant, or his pleader, and also of the respondent or his pleader or such of them as shall attend, and it shall be competent for such Judge or Judges to call for and peruse any document forming a part of the record of the cause: or to order the amendment of the petition of special appeal forthwith, or within such time as he or they may order, not exceeding one month from the date of such order; or to make an order of reference to the Court which pronounced the decree appealed from for further information or explanation; or to pass an order for admitting the appeal for hearing or for rejecting the same; or, if it shall appear that the facts have not been sufficiently recorded, or that the case is otherwise so insufficient that the Sudder Court could not, if the appeal were admitted, pass a final decree thereon, but for no other cause, to issue an injunction, setting forth the errors, irregularities, or other defects in the decision appealed against, and remanding the same to the Court by which the same shall have been passed, in order that such decision may be reviewed by the last mentioned Court, and that such order or decree may be passed thereon as shall be comformable to law. Provided always that no such remand shall be ordered as aforesaid, except upon grounds whereon a special appeal will lie under this Act. If any such application shall be heard by only two Judges, and they differ in opinion as to admitting the appeal for hearing, it shall be admitted.

Clause 2.—An order for admitting a special appeal for hearing shall specify, for the information of the Court, the grounds upon which it was admitted. But neither the Court nor the parties shall be confined to those grounds upon the hearing.

Clause 3.

Clause 3.—If an order be passed for admitting the special appeal for hearing, the case shall be brought on to the file of the Court to be heard and determined in due course.

Clause 4.—If an order for rejecting a special appeal or for remanding a case be made by one Judge only, such order shall not be final, but it shall be laid before another Judge of the same Court, who shall hear the application for the appeal in the presence of the appellant or his pleader and also of the respondent or his pleader or such of them as shall attend. If the second Judge be of opinion that the appeal ought to be rejected or the case remanded he shall pass a final order to that effect; if he be of opinion that the appeal ought to be admitted he shall pass an order for admitting the same, and the appeal shall thereupon be admitted, heard and determined in due course in the same manner as if it had been admitted in the first instance.

Clause 5.—A final order for remanding a case shall not be made without notice to the respondent to enable him to appear and be heard.

Clause 6.—Any Judge by whom an order for admitting a special appeal shall be made may certify that in his judgment the decision of the lower Court is manifestly erroneous upon any of the grounds upon which a special appeal will lie, and thereupon the appeal may be set down for hearing in a list to be called the list of certified special appeals. All cases entered in such list may be called up in due course for hearing and decision according to the provisions of this Act, without regard to the general list of special appeals pending in the Sudder Court.

Clause 7.—If an application for a special appeal be heard by a number of Judges sufficient according to the provisions of this Act to hear and determine the appeal, and it shall appear that the decision is manifestly erroneous, or that the case ought to be remanded, the appeal may be heard and determined forthwith, if the respondent or respondents be present or represented by a pleader or pleaders, otherwise the Court may order the case to be entered in the list of certified appeals, and the same shall be entered accordingly.

IX. *Clause* 1.—Every order for rejecting a special appeal shall state the reason for disallowing each of the grounds set forth in the petition, and every such order of rejection may be once reviewed by the Judge

Judge or Judges by whom the same was passed, or by any Judge or Judges sitting for or instead of him or them, if they or he shall think fit to review the same. Provided that no such review shall be allowed unless application for the same be made within three months from the date of such order.

Clause 2.—If any such order be rescinded, or if the Judges who shall review the same shall be equally divided in opinion, the appeal shall be admitted and the case brought on to the file of the Court and heard and determined in due course.

Clause 3.—A petition for the review of such order shall be written on paper stamped with a Government stamp of the value of two Rupees a sheet.

X. *Clause* 1.—When any special appeal shall be admitted, the same shall be heard and determined by three or more of the Judges of the Sudder Court, and such hearing and determination shall be upon all the grounds whereon a special appeal will lie under this Act.

Clause 2.—The Sudder Court may at any time before or at the time of the hearing of any special appeal or any application for a special appeal, allow either party to amend the grounds of objection set forth in his petition, or to add further grounds of objection thereto; or to urge and be heard by himself or his pleader in support of any objection not included in his petition, upon such terms and conditions as to postponement of the hearing, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not set forth in his petition. But upon hearing the application or determining the appeal the Sudder Court shall not be confined to the grounds of objection set forth in the petition.

XI. The existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay, relating to special appeals, shall continue in force, in the said Presidencies respectively, so far as they are not inconsistent with, or repealed by, this Act.

GEO. PLOWDEN,
Offg. Secy. to the Govt. of India.

Calcutta, 1853:--Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT NO. XVII. OF 1853.

Passed by the Governor General of India in Council, on the 18*th November* 1853.

An Act to repeal Regulation VII. of 1816, *and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.*

WHEREAS a tract of land situated near the town of Teroha, in the district of Banda, was granted as an independent Jagheer by the British Government to the Maharajah Imrit Rao, and whereas by Regulation VII. of 1816, of the Bengal Code, it was enacted that from and after the the date of that Regulation, the jurisdiction of the Courts of Civil and Criminal judicature and the operation of the general Regulations, should not extend to the tract of land aforesaid, and whereas Maharajah Benaik Rao, son of the said Maharajah Imrit Rao, died on the 6th day of July 1853, and it is now expedient to repeal the above-mentioned Regulation; It is enacted as follows:—

I. Regulation VII. of 1816, of the Bengal Code, is hereby repealed.

II. The said tract of land, being part of the district of Banda, all Laws and Regulationsnow in force within that district shall be in force in the said tract of land.

III. All

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed, within the said tract of land, before the passing of this Act, may be tried and determined by the Courts of the said district of Banda, and the general Laws and Regulations now in force there, may be applied and administered by the said Courts in the trial and determination of such cases; but if in any Civil case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination thereof, it shall be lawful for the said Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case Civil or Criminal, with respect to which a final decision was pronounced previously to the said 6th day of July 1853, by any Court or person within the said tract of land, having at the time of the decision lawful power and authority to pronounce it; and that with the exception of cases within the provisions of Section IV. of the said Regulation VII. of 1816, no act committed within the said tract of land prior to the 31st day of August 1853 shall be deemed an offence punishable under the provisions hereof, if at the time of the commission of such act the same was not contrary to the laws then in force in the said tract of land.

V. Nothing in this Act shall extend to any crime or offence within the provisions of Section III. or IV. of the said Regulation committed before the passing of this Act, but every such crime or offence shall be dealt with and punished as if this Act had not been passed.

GEO. PLOWDEN,

Offg. Secy. to the Govt. of India.

Calcutta, 1853 :--Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT NO. XVIII. OF 1853.

Passed by the Governor General of India in Council, on the 2nd December 1853.

An Act for Regulating the Sale of Spirituous Liquors, &c., in Cantonments.

WHEREAS it is expedient to regulate the sale of spirituous liquors, wine and intoxicating drugs within Military Cantonments, It is enacted as follows:

I. If within any Military Cantonment or within any limits around the same to which the Provisions of this Act shall be extended by an order of Government to be publicly notified any person not amenable to Articles of War or any Sutler or Camp follower shall knowingly barter, sell or supply, or offer, or attempt to barter, sell or supply, any spirituous liquor, wine or intoxicating drug, to, or for the use of any European Soldier, or to, or for the use of any European or Eurasian being a Camp follower or a Soldiers' wife without a written license from the Officer Commanding at the Station, or from some person having sufficient authority from the Commanding Officer to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or, in the discretion of the Magistrate, to imprisonment, with or without hard labour, for any period not exceeding one calendar month.

II. If any person convicted of an offence under Section I. of this Act shall be convicted under that Section of an offence subsequently committed, he shall be liable, to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any period not exceeding three Calendar months; and in such case any

spirituous liquor, wine, or intoxicating drug, within such Cantonment, or limits, which at the time of the commission of such subsequent offence shall belong to, or be in the possession of such person, shall, without further proof, be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

III. If any Camp follower or Military pensioner or the wife or widow of any Soldier, Camp follower or Military pensioner shall within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor or wine, exceeding one seer or quart, without a permit, to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act; every such person shall be liable upon conviction to a fine not exceeding Fifty Rupees, and for any subsequent offence to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three calendar months.

IV. Section III. of this Act shall not apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

V. If any person, subject to the provisions of this Act, shall be found committing any offence contrary thereto, any Police Officer, authorised under this Act, may immediately, without warrant, arrest such person, and also seize any spirituous liquor, wine or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon, without delay, take such person, together with the things so seized, before a Magistrate or other Officer having jurisdiction to punish the offender.

VI. Any person, who shall obstruct any Police Officer in making any arrest, or seizure, under this Act, and any Police Officer, who shall not, without unreasonable delay, take the person, or thing so arrested, or seized, before a Magistrate, or other Officer having jurisdiction to punish the offence, shall be liable, on conviction before a Magistrate, to a fine, not exceeding One Hundred Rupees.

VII. Any Police Officer, who, under color of this Act, shall, without probable cause, make any arrest, or seizure, without a warrant, shall, on conviction before a Magistrate, be liable, to a fine not exceeding One Hundred Rupees, which fine or any part of it may be ordered by the Magistrate to be paid to the person aggrieved.

VIII. No Police Officer shall be competent to act under the provisions of Section V. of this Act, unless he shall have a general, or special authority so to do, granted to him in writing by the Commanding Officer, or other Officer empowered by him to grant the same, or by the Officer in the immediate charge of the Police.

IX. In case of a conviction for any offence under this Act, the convicting Magistrate may adjudge any liquor, wine, or intoxicating drug, in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug, which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same, or any part thereof to be confiscated; and such Magistrate may order the whole, or any part, or parts of any fine imposed under this Act, to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender, or seized any of the goods adjudged to be confiscated.

X. A Magistrate may order any thing seized under the provisions of this Act, in respect of which any person shall be charged with an offence, to be detained until the person in whose possession the same shall have been seized shall be convicted, or acquitted of the offence charged. If the person shall be acquitted, the things so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by a Magistrate to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

XI. No appeal shall lie from any order or conviction under the provisions of this Act.

XII. European British subjects shall be amenable to the jurisdiction of a Magistrate for any offence against the provisions of this Act.

XIII. Within the Presidency of Bombay the Superintendent of bazars may punish any person for any offence against the provisions of this Act in the same manner and to the same extent as he is now authorized to do in any of the cases mentioned in Clause 3, Section XXVI., Regulation XXII. of 1827, of the Bombay Code.

XIV. This Act shall not apply to the sale, or supply of any article for medicinal purposes, by recognized medical practitioners, chemists, or druggists.

XV. In the construction of this Act the word "Cantonment" shall include a "Fortress, or Garrison" or *Military bazar station;* the word "Soldier" shall include any Non-Commissioned Officer; the word "Magistrate" shall include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, or a Justice of the Peace, the words "spirituous liquor" shall include toddy in a state of fermentation, or after it has been fermented. Words in the singular number shall include the plural, and words denoting the masculine gender shall include the feminine.

XVI. This Act shall not come into operation before the 1st day of January 1854, and shall not take effect within any limits around a Cantonment which shall be specified in any order of Government before the expiration of one month from the date of the notification of such order, and any order for extending the provisions of this Act to any limits around a Cantonment may from time to time be varied, altered or suspended by Government.

GEO. PLOWDEN,
Offg. Secy. to the Govt. of India.

Calcutta, 1853:—Printed at the *Calcutta Gazette* Press, by T. Jones.

ACT NO. XIX. OF 1853.

Passed by the Governor General of India in Council, on the 2nd December **1853.**

An Act to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.

WHEREAS the law of evidence administered by the Civil Courts of the Presidency of Fort William in Bengal, and the rules for the attendance and examination of witnesses and the production of documents in Courts, require amendment, It is enacted as follows:

I. Sections XXXIII., and LXXIII., Regulation XXIII. 1814, of the Bengal Code, so far as they are inconsistent with the provisions of this Act, Section XI., Regulation XXIV. 1814, of the same Code, except so far as it relates to the signing and issuing of any process of Court to which the signature of the judge may not be specially required, and Section I., Act VI. 1843, so far as it authorizes the examination of witnesses according to the rules established by Section XI., Regulation XXIV. 1814, aforesaid, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit, or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf

or

or on behalf of any other party to the suit, appeal or proceeding in the same manner as if he were not a party to the same. Provided that no party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XXXII. or XXXVIII. of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent to give evidence for or against the other provided that the examination shall take place in open Court in such manner as the Court may direct having regard to the usages and customs of the country, or that it be taken and read, and subject to the Rules prescribed in Section XXXII. or XXXVIII. of this Act, provided also that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit in which according to the practice of the Court a day fixed for the hearing, shall have filed their exhibits and lists of witnesses, the Court shall by an order in writing, appoint

aday, not less than fifteen da ys after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether parties to the suit or not, whom the party filing the list may intend to call as witnesses or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as witness is required, or without such application, if the Court think fit so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. *Clause* 1. In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2. If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a sumomns to be issued for compelling the party to attend and give evidence.

XII. The

XII. The Court on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any, to which such Court shall be subordinate. The sum so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons, or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall not be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If a witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every

XIV. Every such summons shall, if possible, be served personally uponthe person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified therein for his attendance, to allow the witness a reasonable time for preparation, and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title-deeds, unless he shall have agreed in writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possesion.

XXI. A witness being a party to the suit shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence,

ence, in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every witness summoned to produce a document shall, if the same be in his custody, possession or power, be bound to produce it or cause it to be produced to the Court, although there be a valid objection to the right of the party calling for it to compel its production, or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it, and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document shall not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for, by the person, naming him who shall call for its production, that the person having the possession of the document, naming him, objected to its production, and the reasons, if any for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document, coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and which the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney or vakeel shall be bound upon examination to disclose any such matter.

XXIV. If any witness, whether a party to a suit or not, to whom any summons to give evidence or produce a document, shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons as required by this Act, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document, and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property of such person. Provided that no fine imposed under the provisions of this section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section XXVII. of this Act, with respect to a witness on whom the service of a summons

summons cannot beeffected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex-parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons, and any person who, being in Court and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence, or produce the document, for all damages which he may sustain in consequence of such neglect, or refusal, or of such absconding, or keeping out of the way as aforesaid, to be recovered in civil action.

XXVII. If a person, whether a party to a suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot, after, diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness

witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed, in the presence, and with the attestation of two respectable house-holders in some conspicuous place, upon or near to his house or place of abode, and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent,) shall be liable, under an order of the Court, to attachment and sale. Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. *Clause* 1.—The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion

discretion of the Court to order the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine not exceeding the amount in dispute in the suit as the Court may deem fit to impose upon the witness, having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to appeal in the same manner and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case; provided that when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence, or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required, and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XXXI. On

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer if there shall appear any special reason for doing so, or any party, or his vakeel, shall require it. If any question put to a witness be objected to by either of the Parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

XXXII. In cases where the evidence is needed of females, who, according to the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section V. Act VII. 1841, to the contrary notwithstanding.

XXXIII. On or before the day appointed for trial, the Court may for any sufficient reason, such as the unavoidable absence of any material

rial witness, or for other good cause, on the application of either party, postpone the hearing to another day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner as if such notices had been expressly mentioned in such provisions. If the application be too late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons, shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall, unless there be good and sufficient reason to the contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties or such of them as desire it shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the arguments and evidence, the Judge shall record his judgment under Act XII. 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document,

cument, or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence,or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such persons may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section XXXII. of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any witness in a cause who without lawful excuse shall wilfully remain in or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be

be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, shall respectively include any party or parties to a suit, and the said Act shall be read as if the words " or party" "or parties" had been used in such Act, in conjunction with the words "witness" or " witnesses" respectively. Provided that the deposition of a party taken under the provisions of this Section at the instance of any opposite party may be read in evidence by, or on behalf of, such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that in the judgment of the Court it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself, or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable

inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other officer or person mentioned in Section II. of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section II.; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versa*.

XLII. This Act shall extend only to Civil proceedings, and to the Presidency of Fort William in Bengal, and shall not include any of Her Majesty's Supreme Courts of Judicature.

XLIII. The provisions of Sections IX. X. and XI. of this Act shall not extend to the Zillah of Chittagong or Sylhet.

XLIV. This Act shall come into operation on the 1st day of January 1854.

GEO. PLOWDEN,
Offg. Secy. to the Govt. of India.

Calcutta, 1853:--Printed at the *Calcutta Gazette* Press, by T. JONES.

ACT NO. XX. OF 1853.

Passed by the Governor General of India in Council, on the 8th December 1853.

An Act to amend the Law relating to Pleaders in the Courts of the East India Company.

WHEREAS it is expedient to amend the law relating to Pleaders in the Courts of the East India Company, It is enacted as follows:—

I. Section XVI. Regulation XXVII. of 1814 of the Bengal Code, and Section XVI. Regulation XIV. of 1816 of the Madras Code, are hereby repealed.

II. No Pleader shall be bound to attend in any of the Courts of the East India Company, on any day fixed for the transaction of Civil business, or to notify to the Court his inability to attend unless he shall be employed in some cause or business which according to the practice of the Court, may be heard or transacted therein on that day, any thing in any law or regulation to the contrary notwithstanding.

III. Every Attorney on the roll of any of Her Majesty's Supreme Courts of Judicature in India shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the rules for the time being in force in the said Sudder Courts respectively, applicable to Barristers pleading therein, whether relating to the language in which the Court is to be addressed or to any other matter.

IV. That part of Section IV. Act. No. I. of 1846, which provides that no person shall be admitted a Pleader in any of the Courts of the East India Company, unless he have obtained a certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, shall not extend to Barristers or Attornies of any of the said Supreme Courts; but every such Barrister and Attorney shall be entitled as such to plead in any of the Courts of the East India Company subordinate to the Sudder Courts, subject to all the rules in force in the said subordinate Courts respectively applicable to Pleaders therein, so far as such rules relate to the language in which the Court is to be addressed or to any other matter connected with pleading therein.

GEO. PLOWDEN,
Offg. Secy. to the Govt. of India.

CALCUTTA:—Printed and Published by THOMAS JONES, *at the* "CALCUTTA GAZETTE" OFFICE.

ACT NO. XXI. OF 1853.

Passed by the Governor General of India in Council, on the 8th December 1853.

An Act for providing for the exercise of certain Powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the Province of Pegu and other Eastern Provinces unaccompanied by any Member of the Council of India, It is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the *Calcutta Gazette* that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than two calendar months from the time of the passing of this Act.

GEO. PLOWDEN,
Offg. Secy. to the Govt. of India.

Calcutta, 1853:—Printed at the *Calcutta Gazette* Press, by T. Jones.